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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,428	02/10/2004	Ryosuke Koishi	2500.69487	9735

7590

03/07/2005

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EXAMINER

MILLER, BRIAN E

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,428

Applicant(s)

KOISHI, RYOSUKE

Examiner

Brian E. Miller

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-13 is/are pending in the application.
- 4a) Of the above claim(s) 5,6 and 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,7,8 and 13 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☒ Claim(s) 4-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/739,944.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2652

This application is a DIV of 09/739,944 and claims 4-13 are now pending.

Election/Restrictions

1. Applicant's election without traverse of species (2), claims 4, 7-9, 13 in the reply filed on 10/22/04 is acknowledged.

2. Claims 5-6, 10-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 10/22/04.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 4, 7, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Park et al (US 5,917,679). Park et al discloses a flying head slider, as shown mainly in FIGs. 4 & 5, including: a slider body 100; a generally flat bottom surface 111 defined on the slider body 100; a front rail 130 standing on the bottom surface 111 at an upstream position so as to extend in a lateral direction of the slider body; a front air bearing surface (contiguous to air bearing surfaces 110c, 110d) defined on a top surface of the front rail; a rear rail 180 standing on the bottom surface at a downstream position; a rear air bearing surface defined on the rear rail (top surface of rail); a front surface 131 defined on the front rail so as to stand on the bottom surface at a position

Art Unit: 2652

distanced downstream from an upstream end 121 of the bottom surface 111; a step (thickness of rail 130) connected to an upstream end of the front air bearing surface on the front rail; a first columnar piece 133a standing on the bottom surface along (“along” has been interpreted as “on a line or course parallel and close to” from the website:

<http://dictionary.reference.com/search?q=along> accessed on 2/29/05) the front surface; and a second columnar piece standing on the bottom surface along (same interpretation as above) the front surface so as to define an air clogging dished space 135a, 135b adjacent the front surface in cooperation with the first columnar piece (see FIG. 5); (as per claim 7) wherein an upstream end of the bottom surface is defined along a first datum plane, e.g., front edge of slider 121, extending in a lateral direction of the slider body, and the front surface is defined along a second datum plane, e.g., one of the left or right sides of the front surface 131 adjacent the longitudinal axis of the slider, intersecting the first datum plane at a predetermined inclined angle, as best shown in FIG. 5; (as per claim 8) wherein an upstream end of the bottom surface is defined along a first datum plane (as defined above re claim 7) extending in a lateral direction of the slider body, the front surface includes a first surface and a second surface, e.g., both surfaces of the left or right sides of the front surface 131 adjacent the longitudinal axis of the slider, the first surface is defined along a second datum plane intersecting the first datum plane at a first inclined angle, and the second surface is defined along a third datum plane intersecting the first datum plane at a second inclined angle.

With respect to claim 13, Park et al discloses a flying head slider, as shown mainly in FIGs. 5 & 9, including: a slider body 100; a generally flat bottom surface 111 defined on the slider body 100; a front rail 130 standing on the bottom surface 111 at an upstream position so as to extend

Art Unit: 2652

in a lateral direction of the slider body; a front air bearing surface (contiguous to air bearing surfaces 110c, 110d) defined on a top surface of the front rail; a rear rail 180 standing on the bottom surface at a downstream position; a rear air bearing surface defined on the rear rail (top surface of rail); a front surface 131 defined on the front rail, the front surface 131 standing on the bottom surface and defining an upstream end of the front rail; and a recess, e.g., centrally disposed notch (unnumbered) formed on the front surface so as to define an air clogging dished space (as shown in FIG. 9).

Allowable Subject Matter

5. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

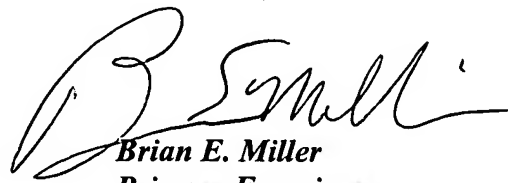
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2652

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian E. Miller
Primary Examiner
Art Unit 2652

BEM

March 1, 2005